

Application No.: 10/747,993

Docket No.: 66046-0006

REMARKS

Applicant has carefully reviewed the Office Action mailed April 27, 2005. In response to the Office Action, Applicant has amended claim 11 and canceled claim 12. By way of this amendment, no new matter has been added. Applicants would like to thank the Examiner for the allowance of claims 1-3, 5-10 and 20. Accordingly, claims 1-3, 5-11, and 14-20 remain pending in this application. Applicant respectfully requests reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 11-12, and 14-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection.

Antecedent basis has been provided for the reference to “the rotational output member” with an amendment to Claim 11 that provides “a change-gear transmission having a first input shaft, a rotational output member and a second input shaft.” The limitation that the Examiner has suggested is unclear has been amended to clarify the invention as claimed, while not adding a further limitation or affecting the scope of the claims.

Claim Rejections – 35 U.S.C. § 102

Claims 11-12, and 15-19 were rejected under 35 U.S.C. 102(e) as being anticipated by *Pels* '247. Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has cited *Pels* as disclosing “a first input shaft clutch (FIG. 10) positioned between the first input shaft 2a and a rotational output member (gear).”

Application No.: 10/747,993

Docket No.: 66046-0006

Independent claim 11 positively recites a "a first input shaft clutch positioned between the first input shaft and the rotational output member to selectively fix rotation of the rotational output member with the first input shaft, wherein said first input shaft clutch selectively couples a drive shaft with the first input shaft to selectively transfer torque therebetween without transferring the torque through a meshed gear ratio." In contrast, Pels teaches "a first input shaft clutch" as cited by the Examiner that must transfer torque through a meshed gear ratio in order to transfer torque between shaft 2a and shaft 3 (and eventually to a drive shaft). (See Column 20, lines 24-29)

Dependent claims 15-19 are also patentable by being dependent on an allowable base claim. Dependent claim 12 has been canceled.

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed no fees are due with this response. However, if any fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 66046-0006 from which the undersigned is authorized to draw.

Dated: June 29, 2005

Respectfully submitted,

By 

Michael B. Stewart

Registration No. 36,018

Kenneth W. Jarrell

Registration No.: 52,484

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue

Suite 140

Bloomfield Hills, Michigan 48304

(248) 593-3310

Attorneys for Applicant

R0297567.DOC